

# EXHIBIT A

**From:** [Gatz, Lara \(USANYE\)](#)  
**To:** [Larry Krantz](#)  
**Cc:** [Durham, John \(USANYE\)](#); [Geraci, Justina \(USANYE\)](#); [Brad Gershel](#); [Lisa Cahill](#); [Monju, Erin](#); [Vinegrad, Alan](#)  
**Subject:** RE: US v. McPartland & Spota, 17-CR-587 (JMA)  
**Date:** Monday, August 26, 2019 5:49:13 PM

---

Larry - in response to your email see below.

---

**From:** Larry Krantz <lkrantz@krantzberman.com>  
**Sent:** Monday, August 26, 2019 2:05 PM  
**To:** Gatz, Lara (USANYE) <LGatz@usa.doj.gov>  
**Cc:** Vinegrad, Alan <avinegrad@cov.com>; Geraci, Justina (USANYE) <jgeraci@usa.doj.gov>; Durham, John (USANYE) <JDurham2@usa.doj.gov>; Lisa Cahill <lcahill@krantzberman.com>; Monju, Erin <emonju@cov.com>; Brad Gershel <gershelb@ballardspahr.com>  
**Subject:** Re: US v. McPartland & Spota, 17-CR-587 (JMA)

Lara:

Thank you for speaking with me today. This will confirm our conversation in which you advised me:

1. You will provide us with the dates of empanelment of the Grand Juries investigating Burke 1 and Burke 2. If the defense wishes to offer these dates at trial, we can discuss a stipulation or disclosure of the actual orders.

**Yes**

2. You have spoken with James Hickey and he has confirmed, and is prepared to testify under oath, that other than his two hospitalizations that have been disclosed, for the time period 2013 to the present, he has not seen any medical professionals for any physical, mental, or psychiatric conditions (and therefore there are no records of such).

**Yes – however, please be reminded that we have moved to preclude any cross-examination of Hickey about any purported mental or psychiatric conditions, as none exist. We continue to await the Court's ruling in that regard. Thus, in our conversation, I did not mean to suggest we intend to elicit this information, as we do not.**

You said the only exception to this was a visit to an eye doctor, which you believed to have been disclosed in your letter to the Court dated July 31, 2019. I am having trouble finding that, so perhaps you can point me to it?

**Letter to the Court dated 7/31/19**

***FN#1 - At the request of defense counsel, the Government has sought, via subpoena duces tecum, additional hospitalization and medical records for this witness, but has received no other records. According to information provided by the Stony Brook University Hospital System in response to the subpoena, Hickey has been seen as a patient at certain out-patient practices, in particular: (a) in 1998, Hickey saw a dermatologist affiliated with Stony Brook; (b) in 1999, Hickey saw an ophthalmologist affiliated with Stony Brook; and (c) in 2002, Hickey saw a gastroenterologist affiliated with Stony Brook.***

***FN #2 - Hickey did not seek further treatment for alcohol abuse (after the 2014 hospitalization).***

3. You stated that you would be withdrawing your 404(b) notice as to the Foley wiretap.

**Yes**

Please confirm the above. Thank you for your courtesies.

Best,

Larry

Larry H. Krantz

KRANTZ & BERMAN LLP  
[747 Third Avenue, 32nd FL](#)  
[New York, New York 10017](#)  
[212-661-0009](#)  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
[140 Grand Street](#)  
[White Plains, NY 10601](#)

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

Sent from my iPhone

On Aug 22, 2019, at 6:21 PM, Gatz, Lara (USANYE) <[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)> wrote:

I am advised that the clerk of the court is the proper place at which to obtain this information.

On Aug 22, 2019, at 11:43 AM, Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)> wrote:

AUSA's:

In connection with the above matter the defendants request production of any and all orders empaneling the EDNY grand jury or juries that investigated the assault of Christopher Loeb by James Burke, or the obstruction of that investigation.

Thanks for your courtesies.

Larry

Larry H. Krantz  
KRANTZ & BERMAN LLP  
747 Third Avenue, 32nd FL  
New York, New York 10017  
212-661-0009  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
140 Grand Street  
White Plains, NY 10601

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

---

**From:** Gatz, Lara (USANYE) <[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>  
**Sent:** Tuesday, August 20, 2019 2:44 PM  
**To:** Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Cc:** Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Geraci, Justina (USANYE) <[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>; Durham, John (USANYE) <[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Subject:** RE: US v. McPartland & Spota, 17-CR-587 (JMA)

In response to your other requests, see below:

- (a) records of any other hospitalizations or out-patient treatments, between January 1, 2013 and the present, related to Hickey's alcoholism, pancreatitis, delirium, hallucinations, TIA, stroke, or any other medical or mental condition that may affect memory or perception;

**We have no documents responsive to this request.**

- (b) for the time period December 2015, any records relating to an incident wherein Hickey refused to leave his office and/or threatened suicide in any way;

**We have no documents responsive to this request.**

- (c) for the time period between January 1, 2013 and the present, any SCPD records relating to Hickey's medical or mental conditions, including but not limited to any incident described in the Hickey hospitalization records produced to us on August 16, 2019, as well as any incident described in (a) and (b), above;

**We have no documents responsive to this request.**

- (d) all statements made to the government by or on behalf of Hickey as to his hospitalizations, out-patient treatments, alcoholism, pancreatitis, delirium, and/or any other medical and/or mental conditions; and

**We decline to provide you information responsive to this request as it 3500 material which will be provided in due course.**

- (e) records of any pension or retirement submissions made by Hickey.

**We have no documents responsive to this request.**

---

**From:** Gatz, Lara (USANYE)  
**Sent:** Tuesday, August 20, 2019 1:27 PM  
**To:** Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Cc:** Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Geraci, Justina (USANYE) <[jgeraci@usa.doj.gov](mailto:jgeraci@usa.doj.gov)>; Durham, John (USANYE) <[JDurham2@usa.doj.gov](mailto:JDurham2@usa.doj.gov)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Subject:** US v. McPartland & Spota, 17-CR-587 (JMA)

Yes, [REDACTED]

In reviewing the affidavit again, I noticed that in paragraph #4 and paragraph #13 "CW #2"

was incorrectly included once in each paragraph. This is a typo and should have read "CW #1" (as indicated below).

4. The SUBJECT BOX is box number 251, a 5" x 10" safe deposit box located at TD Bank, 2822 Middle County Road, Lake Grove, New York, 11755 (the "TD BANK LOCATION"). According to records obtained from TD Bank, on or about February 24, 2016, the SUBJECT BOX was leased by xxxxxx and CS #1. I am aware, and have been informed by **CS #1**, that xxxxxxxx. CS #1 describes himself as a childhood friend of BURKE'S.

13. Then, on February 25, 2016, CS #1, and three other individuals whose identities are known to the government, visited BURKE at the Metropolitan Detention Center in Brooklyn, New York. During that jail visit, **CS #1** informed BURKE that MCPARTLAND had asked CS #1 for a \$25,000 loan. At the conclusion of the jail visit, BURKE told CS #1 that he would provide CS #1 the \$25,000 and told CS #1 to tell MCPARTLAND that he, CS #1, would "get" MCPARTLAND the money.

We are discussing your other requests and will get back to you shortly.

---

**From:** Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>

**Sent:** Monday, August 19, 2019 8:53 AM

**To:** Gatz, Lara (USANYE) <[L.Gatz@usa.doj.gov](mailto:L.Gatz@usa.doj.gov)>

**Cc:** Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Geraci, Justina (USANYE) <[jgeraci@usa.doj.gov](mailto:jgeraci@usa.doj.gov)>; Durham, John (USANYE) <[JDurham2@usa.doj.gov](mailto:JDurham2@usa.doj.gov)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>

**Subject:** RE: US v. McPartland & Spota, 17-CR-587 (JMA)

AUSA's:

1. [REDACTED]  
[REDACTED]  
[REDACTED] Can you please confirm if this is correct?
2. Now that we have preliminarily reviewed the Hickey hospitalization records, we request production of:
  - (a) records of any other hospitalizations or out-patient treatments, between January 1, 2013 and the present, related to Hickey's alcoholism, pancreatitis, delirium, hallucinations, TIA, stroke, or any other medical or mental condition that may affect memory or perception;
  - (b) for the time period December 2015, any records relating to an incident wherein Hickey refused to leave his office and/or threatened suicide in any way;
  - (c) for the time period between January 1, 2013 and the present, any SCPD records relating to Hickey's medical or mental conditions, including but not limited to any incident described in the Hickey hospitalization records produced to us on August 16, 2019, as well as any incident described in (a) and (b), above;
  - (d) all statements made to the government by or on behalf of Hickey as to his hospitalizations, out-patient treatments, alcoholism, pancreatitis, delirium, and/or any other medical and/or mental conditions; and
  - (e) records of any pension or retirement submissions made by Hickey.

This application is on behalf of Mr. McPartland and Mr. Spota. Thank you for your courtesies.

Larry

Larry H. Krantz  
KRANTZ & BERMAN LLP  
747 Third Avenue, 32nd FL  
New York, New York 10017  
212-661-0009  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
140 Grand Street  
White Plains, NY 10601

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

---

**From:** Gatz, Lara (USANYE) <[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>  
**Sent:** Wednesday, August 7, 2019 12:44 PM  
**To:** Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Cc:** Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Geraci, Justina (USANYE) <[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>; Durham, John (USANYE) <[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Subject:** Re: US v. McPartland & Spota, 17-CR-587 (JMA)

The first non-scheduling conversation the USAO had with Hickey's attorney was on 12/1/15. Hickey's first meeting with his attorney was 11/18/15 (no substantive telephone or in person conversations occurred prior to that).

On Aug 6, 2019, at 8:14 PM, Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)> wrote:

Lara:

We are still working on our response to the Hickey letter and I have a follow-up question to the below.

In connection with the grand jury subpoena served on Hickey on October 30, 2015, were there prior communications with his counsel within the preceding several months? I ask because the second hospitalization is just a few days before service of that subpoena. Consequently, the dates of communications with Hickey's counsel are important.

Please let us know if you will provide this information.

Thank you.

Larry

Larry H. Krantz  
KRANTZ & BERMAN LLP

747 Third Avenue, 32nd FL  
New York, New York 10017  
212-661-0009  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
140 Grand Street  
White Plains, NY 10601

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

---

**From:** Gatz, Lara (USANYE) <[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>  
**Sent:** Tuesday, August 6, 2019 10:47 AM  
**To:** Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Cc:** Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Geraci, Justina (USANYE) <[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>; Durham, John (USANYE) <[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Subject:** Re: US v. McPartland & Spota, 17-CR-587 (JMA)

One attorney proffer on December 1, 2015, which was erroneously included in the below list. Hickey was not interviewed on that day. Sorry for the confusion.

On Aug 6, 2019, at 10:28 AM, Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)> wrote:

Thanks Lara.

We are drafting our response on the Hickey letter, and it would be very helpful to get a response to my question below about dates of atty proffers and counsel contact with the government on behalf of Hickey. Obviously, we are trying to determine if those dates of contact were in close proximity to the October 2015 hospitalization.

Thanks again.

Larry

Larry H. Krantz  
KRANTZ & BERMAN LLP  
[747 Third Avenue, 32nd FL](#)  
[New York, New York 10017](#)  
[212-661-0009](#)  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:

[140 Grand Street](#)  
[White Plains, NY 10601](#)

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

Sent from my iPhone

On Aug 6, 2019, at 10:19 AM, Gatz, Lara (USANYE)  
<[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)> wrote:

One subpoena and two continuing subpoenas at the request of defense counsel. One interview on 1/18/17 on three separate topics that generated three separate reports.

On Aug 5, 2019, at 4:56 PM, Vinegrad, Alan  
<[avinegrad@cov.com](mailto:avinegrad@cov.com)> wrote:

Confirmed here as well. Lara, just to clarify: one subpoena served three times, or three separate subpoenas? Also, three interviews on 1/18/17?

Thanks. Alan

---

**From:** Larry Krantz  
<[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Sent:** Monday, August 05, 2019 4:42 PM  
**To:** 'Gatz, Lara (USANYE)'  
<[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>; Vinegrad, Alan <[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>; Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>; Brad Gershel <[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Cc:** Geraci, Justina (USANYE) <[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>; Durham, John (USANYE) <[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>  
**Subject:** RE: US v. McPartland & Spota, 17-CR-587 (JMA)

Thank you.



I confirm that this information will be treated as subject to the confidentiality order.

Can you also pls advise of the dates of any attorney proffers or counsel meetings with the government on Hickey's behalf?

Best,

Larry

Larry H. Krantz  
**KRANTZ & BERMAN LLP**  
747 Third Avenue, 32nd FL  
New York, New York 10017  
212-661-0009  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
140 Grand Street  
White Plains, NY 10601

\*WHITE-COLLAR CRIMINAL DEFENSE  
\*COMPLEX BUSINESS LITIGATION  
\*FINRA AND SEC MATTERS  
\*EMPLOYMENT LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is from an attorney and may be legally privileged or otherwise confidential. If received in error, please delete immediately and notify sender. Thank you.

---

**From:** Gatz, Lara (USANYE)  
<[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>  
**Sent:** Monday, August 5, 2019 4:35 PM  
**To:** Vinegrad, Alan  
<[avinegrad@cov.com](mailto:avinegrad@cov.com)>; Larry Krantz  
<[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>; Lisa Cahill <[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>;  
Monju, Erin <[emonju@cov.com](mailto:emonju@cov.com)>;  
Brad Gershel  
<[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>  
**Cc:** Geraci, Justina (USANYE)

<[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>;

Durham, John (USANYE)

<[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>

**Subject:** US v. McPartland & Spota,  
17-CR-587 (JMA)

All, James Hickey was served with a federal grand jury subpoena on 10/30/15, 12/01/15 and 12/04/15.

Hickey was interviewed by the government on 12/01/15, 12/04/15, 12/07/15, 12/10/15, 12/15/15, 01/28/16, 06/13/16, 07/07/16, 08/25/16, 12/08/16, 01/18/17, 01/18/17, 01/18/17, 10/02/17, 10/26/17 and 04/17/18.

Hickey plead guilty on 1/15/16.

We are providing this information pursuant to the previously entered Protective Order. Please confirm you agree that this information is subject to such. Thank you.

On Aug 3, 2019, at 11:10 AM, Larry Krantz <[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)> wrote:

AUSA's:

We are preparing our response to your July 31st letter regarding James Hickey's medical records. In that regard,

we ask that you promptly disclose to us the dates of Hickey's receipt of a federal subpoena, the dates of all of his proffers with the government (whether attorney proffers or direct client proffers), and the date of his guilty plea. The relevance of this information is self-evident, particularly in light of footnote 4 of your letter -- which notes Hickey's receipt of a subpoena, cooperation with the government and guilty plea, but fails to date these events.

We are hoping to file our response within a few days, so your prompt attention to this request will be greatly appreciated.

Larry

Larry H. Krantz  
KRANTZ & BERMAN LLP  
747 Third Avenue, 32nd  
FL  
New York, New York  
10017  
212-661-0009  
[www.krantzberman.com](http://www.krantzberman.com)

WHITE PLAINS OFFICE:  
140 Grand Street  
White Plains, NY 10601

\*WHITE-COLLAR  
CRIMINAL DEFENSE  
\*COMPLEX BUSINESS  
LITIGATION  
\*FINRA AND SEC  
MATTERS  
\*EMPLOYMENT  
LITIGATION

Web bio:

<http://www.krantzberman.com/attorneys/larry-krantz/>

The above message is  
from an attorney and  
may be legally privileged  
or otherwise  
confidential. If received  
in error, please delete  
immediately and notify  
sender. Thank you.

---

**From:** Geraci, Justina  
(USANYE)  
<[Justina.Geraci@usdoj.gov](mailto:Justina.Geraci@usdoj.gov)>  
**Sent:** Saturday, August  
3, 2019 9:46 AM  
**To:** Vinegrad, Alan  
<[avinegrad@cov.com](mailto:avinegrad@cov.com)>;  
Lisa Cahill  
<[lcahill@krantzberman.com](mailto:lcahill@krantzberman.com)>;  
Brad Gershel  
<[gershelb@ballardspahr.com](mailto:gershelb@ballardspahr.com)>;  
Monju, Erin  
<[emonju@cov.com](mailto:emonju@cov.com)>;  
Larry Krantz  
<[lkrantz@krantzberman.com](mailto:lkrantz@krantzberman.com)>  
**Cc:** Durham, John  
(USANYE)  
<[John.Durham2@usdoj.gov](mailto:John.Durham2@usdoj.gov)>;  
Gatz, Lara (USANYE)  
<[Lara.Gatz@usdoj.gov](mailto:Lara.Gatz@usdoj.gov)>  
**Subject:** US v.  
McPartland & Spota, 17  
Cr. 587 (JMA): Letter re:  
Electronic Data for  
Additional Custodians

Counsel: Please find  
attached the  
Government's letter  
concerning electronic  
materials for additional  
custodians.

Thanks, and best,  
Justina

**Justina L. Geraci**  
Assistant United States  
Attorney  
United States Attorney's  
Office

Eastern District of New York

*Long Island Criminal Division*

610 Federal Plaza

Central Islip, New York

11722

Tel: (631) 715-7835

Fax: (631) 715-7920

[justina.geraci@usdoj.gov](mailto:justina.geraci@usdoj.gov)